

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BRIAN KASANGAKI, A #212 105 015

Petitioner,

VS.

**WILLIAM P. BARR¹, United States
Attorney General, KEVIN
MCALLEENAN², Acting United States
Secretary of Homeland Security (HS),
RAY CASTRO, Warden of GEO, South
Texas Detention Complex Immigration
Detention Facility, et al.,**

Respondents.

CIVIL NO. SA-19-CV-465-FB(ESC)

ORDER

The matter before the Court is *pro se* Petitioner’s Motion for Appointment of Counsel pursuant to 18 U.S.C. § 3006A [#2]. There is generally no constitutional right to appointment of counsel in a habeas corpus proceeding. *Wright v. West*, 505 U.S. 277, 292 (1992); *Murray v. Giarratano*, 492 U.S. 1, 7–12 (1989); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Lookingbill v. Cockrell*, 293 F.3d 256, 269 (5th Cir. 2002); *Beazley v. Johnson*, 242 F.3d 248, 271 (5th Cir. 2001). In the Fifth Circuit, appointment of counsel for an indigent federal habeas corpus petitioner is mandated only “when the interests of justice so require” because of the complexity of the legal and factual issues presented. See *Wardlaw v. Cain*, 541 F.3d 275, 279 (5th Cir. 2008).

¹ Petitioner named Jeff Sessions who was formerly the United States Attorney General; the Court has substituted William P. Barr, who is the current United States Attorney General.

² Petitioner named Elaine Duke who was formerly the United States Secretary of the Department of Homeland Security; the Court has substituted Keven McAleenan, who is the current United States Secretary of the Department of Homeland Security.

In this case, the Respondents have not yet been served. Should the Court, upon review of the Respondents' response(s) and any records filed, determine that a hearing is necessary or that the case is otherwise unusual or complex, it will appoint counsel on its own motion. At this point in the proceedings, however, Petitioner's request for counsel [#2] is **DENIED WITHOUT PREJUDICE.**

SIGNED this 7th day of May, 2019.



Elizabeth S. Chestney
United States Magistrate Judge